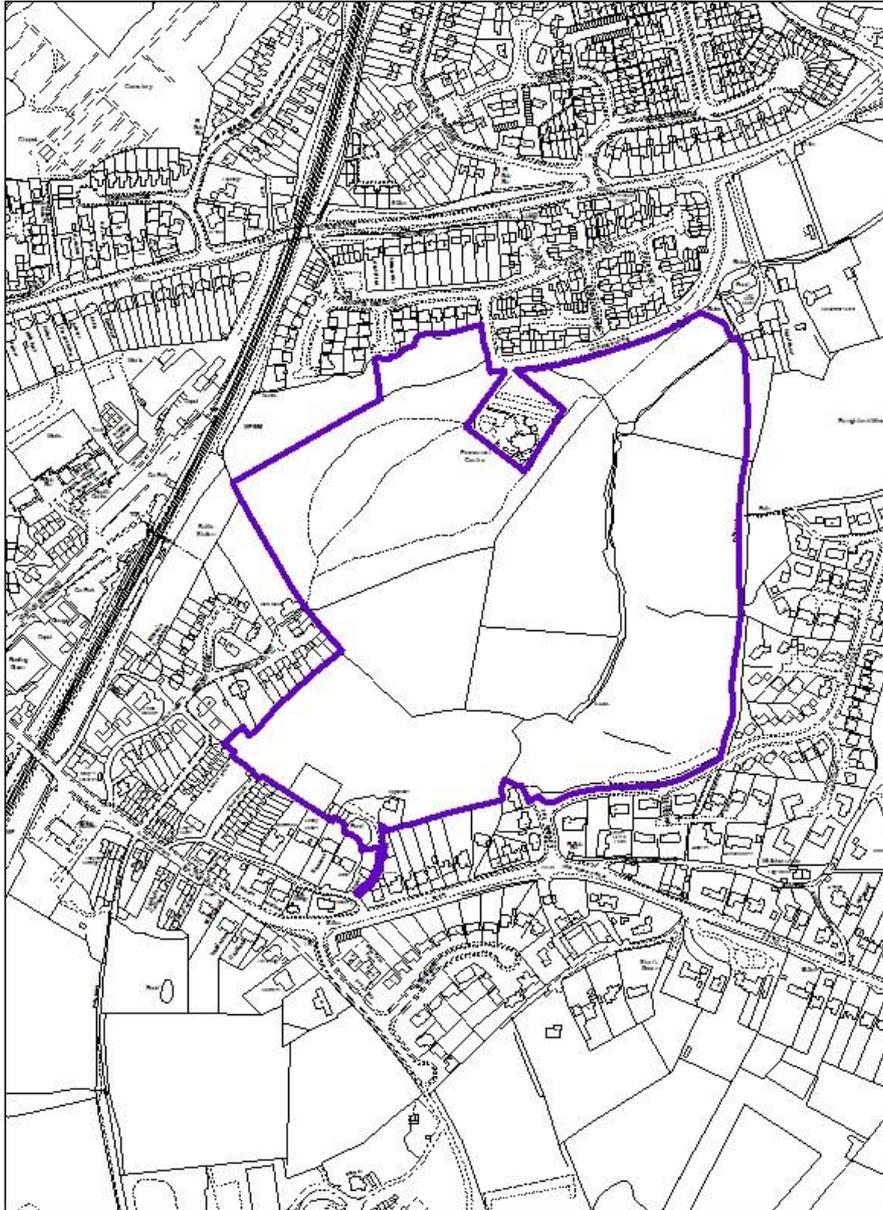


SITE PLAN

BATTLE

RR/20219/604/P

Blackfriars - Land at.



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Not To Scale

Rother District Council

Report to	-	Planning Committee
Date	-	17 December 2020
Report of the	-	Tim Hickling, Head of Strategy and Planning
Subject	-	Application RR/2019/604/P
Address	-	Blackfriars – Land at BATTLE
Proposal	-	Outline: Detailed proposals for a spine road to serve residential development, with vehicular access off Harrier Lane and The Spinney, with Master Plan for up to 220 dwellings and associated works.

[View application/correspondence](#)

RECOMMENDATION: It be **RESOLVED:** To **GRANT (FULL/OUTLINE PLANNING) DELEGATED SUBJECT TO COMPLETION OF A SECTION 106 AGREEMENT: FOR PROVISION OF AFFORDABLE HOUSING, LANDSCAPE/ECOLOGY WORKS AND MAINTENANCE AND HIGHWAY WORKS**

Head of Service: Tim Hickling

Applicant: RDC, Head of Acquisitions and Transformation
Agent: Robinson Escott Planning
Case Officer: Mrs S. Shepherd
(Email: sarah.shepherd@rother.gov.uk)

Parish: BATTLE
Ward Member(s): Councillor K.P. Dixon

Reason for Committee consideration: Head of Service – Strategy and Planning referral: Highways Update

Statutory 13 week date: 17 June 2019
Extension of time agreed to: 22 December 2020

1.0 UPDATE

- 1.1 There are no changes to the proposals or plans that were previously considered by the Planning Committee at its meeting on 10 October 2019.
- 1.2 This update arises as a result of negotiations with regard to the Section 106 legal agreement, which have led to the Highway Authority (HA) submitting additional comments in respect of the proposals, specifically with regard to consideration of potential wider impacts from the residential element of the

site, which they had not previously addressed. After further consideration of the proposals, the HA have a number of recommendations for additional elements to be included in the Section 106 and via conditions and these are brought back to committee for reapproval. The HA conclude:

“I do not object to the creation of a spine road or the principle of this residential development of 220 dwellings subject to the s106 obligations and conditions at the end of this report.”

1.3 They comment as follows.

Rail access:

Policy BT2 in the Rother LP covers the need for a pedestrian and cycle link to the railway station direct from the development site. I consider this to be an important connection for a site serving 220 dwellings. I require that this link is explored as part of a subsequent Reserved Matters application at this site.

Right of Way (RoW) no.76 should also be considered as a main pedestrian and cycling route to the station. I recommend that, subject to agreement with our RoW department, it is upgraded to serve as pedestrian and cycle route across the site. This RoW links to Kingsdales and St Marys villas, which are unadopted highways ie they have highway rights but are not maintained. The public have the right to pass along them. I recommend that RoW 76 is promoted as a lightly trafficked route to the station. Upgrading works should be secured in the s106 agreement.

Bus services and infrastructure-

Walking distances to bus services are very much in excess of the recommended 400m, so significant mitigation and improvements to encourage bus use are required to ensure the site is suitably accessible by bus.

Hastings Road: The principal bus service (route 304/305 to/from Hastings, Battle, Hawkhurst and Tunbridge Wells) runs to the south of the site along Hastings Road. The service operates hourly - Monday to Saturday daytime only.

The closest bus stops to The Spinney access point are some 100-200 metres either side of the junction, which is too distant for the majority of residents that will be over several 100m from the Spinney (maybe as far as 800m over varying gradients depending on the eventual pedestrian routes across the site). As well as being too distant, these stops do not have accessible features to ensure they can serve all residents. The following is required (to be secured through a 106 and delivered via a S278 agreement with ESCC).

- 1) Two new bus stops on Hastings Road (one on the north side of the road and one on the south side of the road), as close as possible to The Spinney junction. Each needs a raised kerb (minimum 125mm, ideally 160mm), bus stop clearway markings, new bus shelter (in conjunction with parish council), new bus stop pole (sourced from Stagecoach) and real time information.*
- 2) There will also need to be a safe accessible pedestrian link across Hastings Road to/from the bus stop.*

Marley Lane: To the north of the development, bus route 95 runs along Marley Lane, to/from Conquest Hospital, Battle and Bexhill (The service is 2 hourly Monday to Saturday daytime).

There is a westbound bus stop to the west of Norman Close and unmarked stop opposite it in the eastbound direction. The following upgrades are required.

- 3) Each stop needs a raised kerb (minimum 125mm, ideally 160mm), bus stop clearway markings, new bus shelter (in conjunction with parish council), new bus stop pole (sourced from Stagecoach) and real time information.
- 4) There will also need to be a safe accessible pedestrian link across Marley Lane to/from the bus stops.

As noted above, the site is distant from the nearest bus stops so significant measures are required to ensure take up of sustainable travel modes. This is further inhibited by the relatively low frequency of principle bus service 304/305, which has no service on Sundays. Providing a Sunday service is regarded as a priority so as to establish an attractive service provision. The sum of £26,000 per annum for 3 years is requested to establish a Sunday service on route 304/305.

In view of the significant walking distances to these bus stops, an accessible transport solution is required for those with poorer mobility or less inclined to walk. The sum of £60,000, as a one-off payment, will provide Battle Area Community Transport or a similar organisation with the funding for a minibus to establish a community minibus route through the development as part of the local community transport network.

Pedestrian and cycle accessibility

At this time a sufficient walking and cycling off-site audit has not been undertaken. I would usually expect this to be part of the TA submissions along with proposed improvements to mitigate the impacts of development. No such mitigation has been proposed in the TA. As such I require the completion of a walking and cycling audit from the site (all access junctions towards the town centre, schools, retail (incl. food retail), health care, leisure facilities and railway station). The audit should build on the detail in the TA in relation to existing infrastructure, identify gaps in provision and put forward mitigation measures for such things as provision of missing links, crossing points, footway and cycleway widening, traffic calming, drainage, lighting, cycle parking, review of parking controls etc. The walking and cycling audit should be secured by condition.

Of particular note is the presence of the Tesco Express on the southern side of Battle Hill necessitating a crossing to allow residents safer access to it. ESCC has identified the need for crossing here and has carried assessment of its deliverability. Given the likely increase in pedestrian trips across the road a contribution of £130,000 towards the crossing is required.

In assessing and determining walking and cycling the East Sussex Walking and Cycling Strategy- Battle put together by Sustrans and ESCC should be taken into account. This strategy identifies weakness in current provision in Battle and puts forward high level suggestions for improvement. It should be

noted that the Walking and Cycling Strategy does call for a non-car link from the Blackfriars site to the station.

Third access point:

On consideration of the masterplan I note that the site (Parcel 1) is to be served by a separate access onto Harrier Lane (to the East of the Spine Road). 20 of the 220 dwellings will be served by this access. This access is only roughly shown on the Masterplan and has not been considered in the submitted TA. As such I have no details of the proposed form of the access or its layout. There is no supporting Road Safety Audit nor details of the expected development trips at this access.

The acceptance of this access can only be agreed on receipt of such information and assessment. Therefore, details of the access must be agreed prior to commencement of development of this parcel and within the s106 agreement.

Travel Plan

For a development of this scale ESCC requires that the developer and provides and operates a full Travel Plan over 5 years to ensure the use of sustainable travel and reduction of single occupancy car trips. The Travel Plan will be fundamental in ensuring opportunities created by the improvements to rail, bus, walking and cycling as detailed above are maximised. I consider Battle to be a sustainable location for its size and therefore there is scope to achieve a greater modal share for sustainable travel.

The Travel Plan must be drafted based on ESCC Travel Plan guidance and set out varied measures that the Applicant/developer will implement as part of the development to be agreed with ESCC. The Travel Plan must set targets (also to be agreed with ESCC), be monitored over time in accordance with SAM from TRICS (or as otherwise agreed) and remedial measures put in place should Travel Plan targets not be met.

ESCC also requires a Travel Plan Audit fee of £6000 to cover the costs of auditing and advising on the Travel Plan.

Traffic Impact

The TA assesses the likely traffic impact of a new through route ie the impact of diverted traffic and potential trips generated by the housing at the site accesses/Marley lane and Hastings Road. It is possible that existing traffic could route through the site to avoid the roundabout at Marley Lane/Lower Lane/Upper Lake roundabout, therefore alleviating some of the existing congestion. I commented on and accepted the impact here but did also comment that the design of the Spine Road suggests that the route is being designed to deter all traffic from using it ie as a convoluted route and not necessarily providing a journey time saving.

The TA only covers the impacts at Marley Lane, Hastings Road, the Marley Lane/Lower Lane/Upper Lake roundabout and the junctions on the A21. There are no detailed assessments of the wider network.

There is no assessment as yet on vehicle flows within the town centre and at the London Road/North Trade Road/High Street junction- only details of the

expected additional development flows. I would usually expect to see link/junction assessments, if only to demonstrate that development traffic can be accommodated. I suspect that the introduction of parking controls in Battle will help mitigate some of the development impact, but this should be confirmed, particularly in light of the constrained High Street.

There is a need to minimise trips associated with 220 dwellings to ensure queuing and parking demand is lessened. I therefore expect to see either junction improvements or preferably a commitment to sustainable non car travel through the detailed Travel Plan and the contributions and works to be secured in the s106 agreement.

2.0 SECTION 106 MATTERS

2.1 With regard to the matters for inclusion in the S106, paragraph 8.10.2 of the previous report set out the following:

In this case the following requirements would be necessary under a section 106 Agreement, being considered to be related to the development, proportionate and necessary:

- **Provision of 35% affordable housing units and nomination rights (including 65% affordable rented).**
- **Provision of and future management of the landscaping to the site including retention of woodland areas, boundary trees and new planting with public access.**
- **Ecology mitigation and biodiversity compensation and improvements.**
- **Local Employment and Skills Plan.**
- **Highway works including two new vehicular accesses into the site.**

2.2 In respect of highway works the HA wish to include the following contributions and off site (s278) and on-site works, the amounts for which are the subject of on-going discussions with the Applicant:

Contributions:

- 1 A contribution of £26,000 per year for three years and £60,000 towards bus service improvements in the Battle area.
- 2 Contribution of £12,500 per bus stop, for Real Time Passenger Information (four stops).
- 3 £500 per bus stop for clearway markings (4 stops).
- 4 A contribution of £130,000 towards a controlled pedestrian crossing in the vicinity of the PFS and supermarket on Battle Hill.
- 5 A full Travel Plan and Travel Plan Audit Fee of £6000.

Highway Works (to be delivered by Section 278 agreement with ESCC)

- 6 Two new bus stops on Hastings Road to include a raised kerb new bus shelter, new bus stop pole, bus stop clearway.
- 7 Two new bus stops on Marley Lane to include a raised kerb new bus shelter, new bus stop pole, bus stop clearway.
- 8 Creation of a junction (priority junction) at either end of the Spine Road onto The Spinney (UC6303) and Harrier Lane (UC6330), suitable to serve a major residential estate of up to two hundred and twenty (220) subject to detailed design and supported by Road Safety Audits.

On site works:

- 9 Upgrades to the PRow 76 to provide convenient pedestrian and cycle routes through the site to allow for access to Battle railway station and town centre.
-

3.0 CONDITIONS

3.1 With regard to conditions, the HA advise that they did not previously recommend conditions to secure highway works and the layout requirements associated with a major residential development as they usually would. Despite these previous omissions from the HA, some appropriate conditions were still listed in the previous recommendation as a matter of course by the planning officer. It is also the case that some matters required to be addressed by the HA will be covered in any Reserved Matters submission. However, there some updates as follows:

- Conditions 11 and 19 (now 20) have been slightly reworded.
 - New conditions are listed at 18, 21 and 31.
 - Additional notes are also added at 4 and 5.
-

4.0 PLANNING BALANCE AND CONCLUSION

4.1 The additional highway comments and requirements do not change the nature of the proposed development; the proposals remain acceptable in principle in accordance with policy. The previous recommendation made remains valid but, as explained above, there are additional requirements having regard to the updated comments from the HA.

4.2 The Section 106 legal agreement has continued to be drafted with inclusion of the additional requirements of the HA and its completion is imminent.

[The previous report is available here.](#)

RECOMMENDATION: It be **RESOLVED** to **GRANT (FULL/OUTLINE PLANNING) DELEGATED SUBJECT TO COMPLETION OF A SECTION 106 AGREEMENT: FOR PROVISION OF AFFORDABLE HOUSING, LANDSCAPE/ECOLOGY WORKS AND MAINTENANCE, LOCAL EMPLOYMENT AND SKILLS PLAN AND HIGHWAY WORKS.**

CONDITIONS:

1. Approval of the details of layout, appearance, landscaping and scale (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before development commences.
Reason: In accordance with the requirements of Article 4(1) of the Town and Country Planning (Development Management Procedure) Order 2010.

2. Plans and particulars of the reserved matters referred to in condition 1 above shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.
Reason: In accordance with the requirements of Article 4(1) of the Town and Country Planning (Development Management Procedure) Order 2010.
3. Application for approval of all the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
Reason: In accordance with section 92 of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).
4. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
Reason: In accordance with section 92 of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).
5. Subject to the details required by Condition 1, the development hereby permitted shall be carried out in accordance with the following approved drawings and documents:
23817A/01, dated March 2019
23817A/02 rev.B, dated March 2019
7500-304 rev.C, dated 15/08/2019
Ecological Impact Assessment by The Ecology Consultancy, dated 16/06/2019
Arboricultural Impact Assessment, by The Ecology Consultancy, dated 03/06/2019
Transport Assessment by GTA Civils dated March 2019 and Addendum dated 15 April 2019
6004/500, dated January 2019
6004/501 rev.B, dated 02.04.2019
Reason: For the avoidance of doubt and in the interests of proper planning.
6. The number of dwellings permitted within the site as defined by this outline planning permission shall not exceed 220.
Reason: To ensure a properly planned development in accordance with the application and Policy BT2 of the Rother District Local Plan.
7. The new spine road and site access points from The Spinney in the south and Harrier Lane in the north, shall be in the position shown on drawing no. 7500-304 rev. C, dated 15/08/2019 and Drawing Nos. 6004/500, dated January 2019 and 6004/501 rev.B, dated 02.04.2019. The spine road shall be designed and constructed in accordance with details to be agreed under Conditions 8 and 10 of this permission, to a standard approved by the Local Planning Authority in accordance with Highway Authority's standards with a view to its subsequent adoption as publicly maintained highway.
Reason: To ensure the safety of persons and vehicles entering and leaving the access points and proceeding along the highway in accordance with Policy TR3 and CO6 of the Rother Local Plan Core Strategy.

8. Prior to the commencement of development on site in respect of the spine road, detailed drawings, including levels, sections and constructional details of the proposed road and internal connections to it, surface water drainage, outfall disposal and street lighting to be provided, shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The detailed road designs shall include details of 'events' along and within the road such as informal squares that the road passes through to be created at key junctions/intersections, such that the street is designed as a social space, incorporating Manual for Streets placemaking. The road shall be constructed in accordance with the approved details.
Reason: A pre-commencement condition is required to ensure that it meets highway standards and in the interests of highway safety and for the benefit and convenience of the public and to present a quality design and place in accordance with Policy BT2 of the Rother District Local Plan 2006 and Policies EN3, TR3 and CO6 of the Rother Local Plan Core Strategy.
9. The street lighting proposed pursuant to Condition 8 shall follow a "lighting design strategy for biodiversity" that itself shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall:
- a) identify those areas/features on site that are particularly sensitive for dormice, bats and badgers and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
 - b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.
- All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the planning authority.
Reason: A pre-commencement condition is required as many species active at night (e.g. bats and badgers) are sensitive to light pollution. The introduction of artificial light might mean such species are disturbed and /or discouraged from using their breeding and resting places, established flyways or foraging areas. Such disturbance can constitute an offence under relevant wildlife legislation and would conflict with Policies EN5 of the Rother Local Plan Core Strategy and DEN4 of the Development and Sites Allocations Local Plan.
10. Prior to commencement of development of the spine road, and notwithstanding the footway location details on approved Drawing No. 7500-304 rev.C, dated 15/08/2019, details of pedestrian facilities (footways and crossings) supported by a Road Safety Audit and other documentation as necessary shall be submitted to and agreed by the Local Planning Authority, in consultation with the Highway Authority and shall include facilities along the new road and the connections to it and shall be built and maintained to current standards, unless otherwise agreed. The footways are to be designed into the landscape and layout of the development and not simply form part of the road itself, i.e. the majority are not be located immediately adjacent to the roadway itself, but instead be separated from the vehicular route by grass verges.

Reason: A pre-commencement condition is required to ensure that highway standards are maintained, that the public footpath is incorporated and is to remain accessible and in the interests of highway safety and for the benefit and convenience of the public and to present a quality design and place in accordance with Policy BT2 of the Rother District Local Plan 2006 and Policies EN3, TR3 and CO6 of the Rother Local Plan Core Strategy.

11. No development shall commence on any part of the site until details of the proposed means of foul disposal and a sustainable surface water system relating to that part of the site, including its future maintenance and management, have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water, the Lead Local Flood Authority and the local Highway Authority. Surface water must not discharge onto the highway and vice versa. The development shall only be carried out in accordance with the approved details.

Reason: A pre-commencement condition is required to ensure that the drainage infrastructure carried out in the initial stages of the development will not increase the risk of flooding, will improve and protect water quality, and ensure future maintenance of the sustainable surface water drainage system in accordance with Policy SRM2 of the Rother Local Plan Core Strategy.

12. No development shall take place on any part of the site, including any ground works, vegetation clearance or works of demolition, until a Construction & Environmental Management Plan (CEMP: Biodiversity) for that part of the site has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to in full throughout the entire construction period. The Plan shall provide details as appropriate but not be restricted to the following matters:

- a) the anticipated number, frequency and types of vehicles used during construction;
- b) the method of access and egress and routing of vehicles during construction;
- c) the parking of vehicles by site operatives and visitors (including location and capacity);
- d) the loading and unloading of plant, materials and waste;
- e) the storage of plant and materials used in construction of the development;
- f) the erection and maintenance of security hoarding;
- g) the provision and utilisation of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders);
- h) details of public engagement both prior to and during construction works;
- i) unless alternative times are specifically agreed in writing construction activities associated with the development hereby permitted shall not be carried out other than between the hours of 08:00 and 18:00 hours on Mondays to Fridays inclusive and 08:00 and 13:00 on Saturdays and not at any time on Sundays, Bank and Public Holidays;
- j) measures to manage flood risk, both on and off the site, during the construction phase;
- k) risk assessment of potentially environmental damaging construction activities and practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- l) identification of "biodiversity protection zones";

- m) the location and timing of sensitive works to avoid harm to biodiversity features and the times during construction when specialist ecologists need to be present on site to oversee works;
- n) responsible persons and lines of communication and the role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person; and
- o) use of protective fences, exclusion barriers and warning signs.

Reason: A pre commencement condition is required from the outset because the works need to be managed in all stages of construction to maintain the safety of all road users and so as not to unreasonably harm the amenities of adjoining properties and in the interests of highway safety, and to enable the Local Planning Authority to properly ensure the protection of rare and protected species identified by EU & UK Wildlife Protection Legislation and the UK Biodiversity Action Plan having regard to Policies OSS4, EN1, EN5, TR3 and CO6 of the Rother Local Plan Core Strategy, and Policies DEN1, 2 and 4 of the Development and Sites Allocations Local Plan.

13. Prior to the commencement of development, an ecological design strategy (EDS) addressing mitigation and compensation for habitats and species, restoration of degraded habitats and enhancements to increase the biodiversity value of the site has been submitted to and approved in writing by the Local Planning Authority. The EDS shall include the following:
- a) purpose and conservation objectives for the proposed works;
 - b) review of site potential and constraints;
 - c) detailed design(s) and/or working method(s) to achieve stated objectives;
 - d) extent and location/area of proposed works on appropriate scale maps and plans;
 - e) type and source of materials to be used where appropriate, e.g. native species of local provenance;
 - f) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
 - g) persons responsible for implementing the works;
 - h) details of initial aftercare and long-term maintenance;
 - i) details for monitoring and remedial measures; and
 - j) details for the disposal if any wastes arising from the works.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: A pre-commencement condition is required to enable the Local Planning Authority to properly ensure the protection of rare and protected species identified by EU & UK Wildlife Protection Legislation and the UK Biodiversity Action Plan and to ensure that any adverse environmental impacts of development activities can be mitigated, compensated and restored and that the proposed design, specification and implementation can demonstrate this, in accordance with the requirements of the National Planning Policy Framework and Policies EN1 and EN5 of the Rother Local Plan Core Strategy and Policies DEN1, 2 and 4 of the Development and Sites Allocations Local Plan.

14. No development shall take place (including any demolition, ground works, site clearance) until a method statement for the protection, rescue and translocation of protected species has been submitted to and approved in writing by the Local Planning Authority for each phase of development. The content of the method statement shall include the:
- a) purpose and objectives for the proposed works;

- b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
- c) extent and location of proposed works shown on appropriate scale maps and plans;
- d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- e) persons responsible for implementing the works;
- f) initial aftercare and long-term maintenance (where relevant); and
- g) disposal of any wastes arising from the works.

The works shall be carried out in accordance with the approved details for each phase of the development and shall be retained in that manner thereafter.

Reason: a pre-commencement condition is required to protect habitats and species identified in the ecological surveys from adverse impacts during construction Policies EN1 and EN5 of the Rother Local Plan Core Strategy and Policies DEN1, 2 and 4 of the Development and Sites Allocations Local Plan.

15. No development shall commence until details for the protection of existing trees and hedgerows on the site have been submitted to and approved in writing by the Local Planning Authority. The details shall include indications of all existing trees and hedgerows on the land including details of those to be retained, together with a scheme for protection, which shall include protective fencing. The approved scheme shall be put in place prior to the commencement of any development and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

Reason: The site contains trees and hedgerows which contribute to the character of the area and should be conserved to ensure that the development is integrated within the landscape of the High Weald Area of Outstanding Natural Beauty. The commencement of any groundworks could potentially impact on trees and hedgerows and pre-commencement measures therefore need to be put in place to ensure that protected trees/hedgerows remain in situ as agreed and with measures in accordance with the British Standard and to accord with Policies OSS4 (iii) and EN1 of the Rother Local Plan Core Strategy.

16. No development shall commence on any part of the site until the Applicant has secured the implementation of a programme of archaeological works for that part of the site, in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

Reason: A pre-commencement condition is required to ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework and in accordance with Policy EN2 (vi) of the Rother Local Plan Core Strategy.

17. Prior to the commencement of development and subsequent to an approved archaeological site investigation a construction method statement to show the preservation in-situ of significant archaeological remains shall be submitted to

and approved in writing by the Local Planning Authority and works shall be completed in accordance with the approved details.

Reason: A pre-commencement condition is required to ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework and in accordance with Policy EN2 (vi) of the Rother Local Plan Core Strategy.

Reserved Matters Submissions

18. Prior to commencement of development of Parcel 1, the details of a new access on to Harrier Lane to serve Parcel 1 shall be submitted and agreed with the Highway Authority. The new access shall be subject to a full Road Safety Audit procedures and detailed design, and the submitted details will include but not be limited to adequate visibility splays, pedestrian and cycle facilities, suitable gradient, drainage and construction. The new access will be implemented prior to the first occupation of the any dwelling in Parcel 1.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway, in accordance with Policies CO6, TR2 and TR3 of the Rother Local Plan Core Strategy and the National Planning Policy Framework.

19. Pursuant to Condition 1, no above ground works shall commence until details of the following have been submitted and approved by the Local Planning Authority, and the development shall thereafter be completed in accordance with the approved details:

- a) 1:200 scale street scene drawings, accurately reflecting site topography, showing proposed buildings in context;
- b) 1:50 drawings of all proposed buildings including details of all fenestration, eaves details, porches, dormers, rooflights, chimneystacks, pipes, vents and utility meters and boxes;
- c) samples of the materials to be used in the construction of all external faces of the buildings;
- d) the proposed site levels and finished floor levels of all buildings in relation to existing site levels, and to adjacent highways and properties (including levels of paths, drives, steps and ramps); and
- e) details of pedestrian and cycle links to the surrounding area including Battle Station, and proposed measures to seek to deliver such links.

Reason: To ensure a high building appearance and architectural quality, which reflects the character of the town, in accordance with Policy EN3 of the Rother Local Plan Core Strategy and the National Planning Policy Framework.

20. Pursuant to Condition 1, no above ground works shall commence until a walking and cycling audit of the routes to key destinations in Battle from the site, including Battle Station, has been completed and agreed with the Highway Authority and the audit shall include the identification of mitigation measures and improvement schemes needed to increase walking and cycling as a mode of travel, and prior to first occupation of the development the agreed measures/schemes shall be implemented in accordance with the agreed details.

Reason: To achieve a well-connected, accessible development by non-car modes and to meet the objectives of sustainable development, in accordance with Policies BT2, EN3, TR2 and TR3 of the Rother Local Plan Core Strategy and the National Planning Policy Framework.

21. Pursuant to Condition 1, no above ground works shall commence until an assessment of the impacts of development traffic in Battle High Street and at London Road/North Trade Road/High Street junction shall be completed and agreed with the Highway Authority and the assessment shall identify and include design of mitigation measures, and prior to first occupation of the development the agreed measures shall be implemented.
Reason: To ensure the traffic impacts of the development are mitigated and the safety of persons and vehicles proceeding along the highway, in accordance with Policies CO6, TR2 and TR3 of the Rother Local Plan Core Strategy and the National Planning Policy Framework.
22. Pursuant to Condition 1, no above ground works shall commence until the following public realm and hard landscaping details have been submitted and approved by the Local Planning Authority, and the development shall thereafter be carried out as approved and in accordance with an agreed implementation programme.
- a) proposed finished levels or contours;
 - b) boundary treatments (plot and other) and any other means of enclosure (fences, railings and walls) indicating the locations, type, design, height, and materials of such;
 - c) vehicle and cycle parking layouts;
 - d) design of other vehicle and pedestrian access and circulation areas, (including street widths, pavements and cycleways where relevant, and other strategic public realm);
 - e) hard surfacing materials (including road surfaces, cycleways, footpaths, parking spaces and other areas of hard standings, kerbs and tactile paving);
 - f) a coordinated street furniture strategy (including benches, bollards, bins, planters, and signage) including proposed locations;
 - g) an external lighting strategy, (including type and design of lighting equipment, and non-lighting zones) that accords with the lighting biodiversity strategy and that responds to, and reinforces, the street hierarchies;
 - h) minor artefacts and structures;
 - i) play areas (Local Areas of Equipped Play or Landscape Areas of Play) including full specification and details of play equipment proposed; and
 - l) proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc. indicating lines, manholes, supports).
- Reason: To ensure the creation of a high quality public realm, design quality, and landscape setting, in accordance with Policies EN3, EN1, TR2 and TR4 of the Rother Local Plan Core Strategy.
23. No above ground works shall commence until the following soft landscaping details have been submitted and approved by the Local Planning Authority, and the development shall thereafter be carried out as approved and in accordance with an agreed implementation programme.
- a) indications of all existing trees and hedgerows on the land including details of those to be retained, together with measures for their protection in the course of development;
 - b) design, layout and appearance of structural and amenity green space, including verges;
 - c) planting plans, including landscape and ecological mitigation (buffer planting and green buffers);

- d) written specifications (including cultivation and other operations associated with plant and grass establishment);
- e) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and
- f) details for implementation.

Reason: To ensure the creation of a high quality public realm and landscape setting [that enhances the landscape and scenic quality of the High Weald Area of Outstanding Natural Beauty] in accordance with Policies EN1 and EN3 of the Rother Local Plan Core Strategy.

24. If within a period of 10 years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted, destroyed or dies, [or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective] another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

Reason: To enhance the appearance of the development and the landscape of the High Weald Area of Outstanding Natural Beauty in accordance with Policies EN1 and EN3 of the Rother Local Plan Core Strategy.

25. Prior to the occupation of any dwelling, a landscape management plan, including management responsibilities and maintenance schedules for the communal hard and soft landscape/open space areas, including any street furniture and minor artefacts therein, shall be submitted to and approved by the Local Planning Authority. The landscape management plan shall be carried out as approved.

Reason: To ensure a high quality public realm taking account of the characteristics of the locality [and enhancing the landscape character and quality of the High Weald Area of Outstanding Natural Beauty] in accordance with Policies OSS4 (iii), EN1 and EN3 (ii) (e) of the Rother Local Plan Core Strategy.

26. Prior to the occupation of any dwelling, a landscape and ecological management plan (LEMP) shall be submitted to, and approved in writing by, the Local Planning Authority. The content of the LEMP shall include the following:

- a) description and evaluation of features to be managed;
- b) a SuDs and wetland habitat strategy;
- c) a woodland management plan;
- d) ecological trends and constraints on site that might influence management;
- e) aims and objectives of management;
- f) appropriate management options for achieving aims and objectives;
- g) prescriptions for management actions, together with a plan of management compartments;
- h) preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- i) details of the body or organisation responsible for implementation of the plan; and
- j) on-going monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plans shall also set out (where the results from monitoring show that

conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: require in order to positively management constantly changing biological communities and to maintain their conservation value, to ensure the long term management of habitats, species and other biodiversity features, in accordance with the requirements of the National Planning Policy Framework and Policies EN1 and EN5 of the Rother Local Plan Core Strategy and Policies DEN1, 2 and 4 of the Development and Sites Allocations Local Plan.

27. Prior to the occupation of any dwelling evidence (including photographs) shall be submitted to the Local Planning Authority showing that the drainage system has been constructed as per the final agreed detailed drainage designs.

Reason: To ensure that the drainage infrastructure for the development will not increase the risk of flooding, will improve and protect water quality, and ensure future maintenance of the surface water drainage system in accordance with Policy SRM2 of the Rother Local Plan Core Strategy.

28. No dwelling or other building shall be occupied until the archaeological site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 16 and that provision for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded in accordance with Policy EN2 of the Rother Local Plan Core Strategy and the National Planning Policy Framework.

29. The details of layout pursuant to Condition 1 above shall include details of the siting and form of bins for the storage and recycling of refuse within the site (internally or externally), and collection points and the approved details shall be implemented before the occupation of each relevant dwelling(s) and thereafter continued, with all bins and containers available for use, maintained and replaced as need be.

Reason: To safeguard the visual amenities of the locality and in the interests of providing a sustainable development in accordance with Policy OSS4 (iii) of the Rother Local Plan Core Strategy.

30. The details of layout pursuant to Condition 1 above shall include details for the parking and turning of vehicles (including turning of refuse vehicles) in accordance with the East Sussex Residential Parking Demand Calculator and the provision of cycle parking areas, and all those approved areas shall be provided before the occupation of the any dwelling or in accordance with a programme to be agreed in writing by the Local Planning Authority and thereafter retained for those uses only.

Reason: To ensure the provision of adequate on-site parking and turning facilities that do not prejudice the free flow of traffic or conditions of general safety along the highway and in order that the development site is accessible by non-car modes and to meet the objectives of sustainable development, in accordance with Policies CO6, TR4 and TR3 of the Rother Local Plan Core Strategy.

31. During any forms of earthworks and/or excavations that are carried out as part of the development, suitable vehicle wheel washing equipment should be provided within the site, to the approval of the Planning Authority in consultation with the Highway Authority, to prevent contamination and damage to the adjacent roads.
Reason: In the interests of highway safety and for the benefit and convenience of the public at large, in accordance with Policies CO6 and OSS4 of the Rother Local Plan Core Strategy.
32. Prior to the occupation of any dwelling, a Travel Plan Statement in association with this development shall be submitted to the Local Planning Authority to ensure that private car trips to and from the site are reduced. The travel plan should include targets for reduced car use and a monitoring programme to ensure these targets are met.
Reason: In order that the development site is accessible by non- car modes and to meet the objectives of sustainable development and in accordance with Policies TR2 and TR3 of the Rother Local Plan Core Strategy.
33. Each dwelling shall not be occupied until the boundary treatments that relate to it as approved under Condition 22 have been completed in accordance with the approved details.
Reason: To ensure a high quality public realm taking account of the characteristics of the locality in accordance with Policies OSS4 (iii) and EN3 of the Rother Local Plan Core Strategy.
34. If any part of the development hereby approved, or subsequently approved under the reserved matters, does not commence (or, having commenced, is suspended for more than 12 months) within one year from the date of the planning permission, the approved ecological measures relating to that part of the development secured through the permission shall be reviewed and, where necessary, amended and updated. The review shall be informed by further ecological surveys for notable habitats and species including badgers, bats, reptiles and breeding birds, commissioned to:
- i) establish if there have been any changes in the presence and/or abundance of protected species; and
 - ii) identify any likely ecological impacts that might arise from the changes.
- Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the Local Planning Authority prior to the commencement of that phase. Works must then be carried out in accordance with the proposed new approved ecological measures and timetable.
Reason: To ensure the protection and enhancement of wildlife and supporting habitats of nature conservation value in accordance with Policy EN5 of the Rother Local Plan Core Strategy, the NE Bexhill SPD and the National Planning Policy Framework.

NOTES:

1. This permission is the subject of an obligation under Section 106 of the Town and Country Planning Act 1990.pl191010 – RR/2019/604/P.
2. This permission includes conditions requiring the submission of details prior to

the commencement of development. Following close consideration in the courts, it is now well established that if the permission contains conditions requiring further details to be submitted to the Council or other matters to take place prior to development commencing and these conditions have not been complied with, the development is unlawful and does not have planning permission. You are therefore strongly advised to ensure that all such conditions have been complied with before the development is commenced.

3. For the avoidance of doubt, the Applicant is advised that the design and layout of the residential development, and elevational information submitted with the application, namely:
 - Drawing No.23817A/10A, Illustrative Masterplan Vision – proposed site layout.
 - Design & Access Statement which includes the illustrative layout, written explanation, elevation sketches and illustrative sketches are not acceptable and are not approved. The site layout, internal circulation arrangements, disposition of development, public realm treatment including car-parking, and internal streetscape and elevational massing and forms of buildings, do not comply with the high quality design required by the National Planning Policy Framework and by the Rother Local Plan Core Strategy.
4. For the avoidance of doubt the Applicant is reminded that:
 - Parking spaces shall measure at least 2.5m by 5m with an extra 50cm on each dimension where spaces abut walls or fences).
 - Any garages shall measure at least 3m by 6m (internally) and will count as 1/3 of a space of the total parking provision and requirement.
 - Cycle parking shall be covered and secure and in a convenient location for each dwelling.
5. For the avoidance of doubt, the access junctions shall have maximum gradients of 2.5% (1 in 40) from the channel line and 11% (1 in 9) thereafter.
6. The Highway Authority's requirements associated with this development proposal will need to be secured through a Section 278 Legal Agreement between the Applicant and East Sussex County Council.
7. The following public rights of way across the site should be retained and remain accessible at all times: Public Footpaths 76 and 77b.
8. The Applicant is reminded that it is an offence to damage or destroy species protected under separate legislation. Planning permission for a development does not provide a defence against prosecution under European and UK wildlife protection legislation. Separate licences and consents may be required to undertake work on the site where protected species are found and these should be sought before development commences.
9. This planning permission does not authorise any interference with animals, birds, marine life, plants, fauna and habitats in contravention of the requirements of the Wildlife and Countryside Act 1981, the Countryside and Rights of Way Act 2000 (CROW) and other legislation. Further advice on the requirements of these Acts is available from Natural England, Sussex and Surrey Team, Phoenix House, 33 North Street, Lewes, East Sussex BN7 2PH.

10. Any works affecting watercourses require Ordinary Watercourse Consent and the Applicant should contact East Sussex County Council land drainage section at watercourse.consenting@eastsussex.gov.uk.
11. Non-compliance with Japanese Knotweed management and control could render the Applicant liable to criminal prosecution under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000). pl191010 – RR/2019/604/P.
12. The archaeological written scheme of investigation, ensuing works and production of reports should accord with the relevant portions of the ESCC document “Recommended Standard Conditions for Archaeological Fieldwork, Recording and Post-Excavation in East Sussex” (2008), including Annexe B, and should be undertaken only by a suitably qualified archaeologist. For assistance and advice in seeking compliance with the requirements of the condition, please contact the County Archaeologist at ESCC, Transport & Environment, County Hall, Lewes, BN7 1UE or telephone 01273 481608.
13. The Applicant should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.

NATIONAL PLANNING POLICY FRAMEWORK: In accordance with the requirements of the Framework (paragraph 38) and with the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.